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FM AMEMBASSY MEXICO
TO RUEHC/SECSTATE WASHDC PRIORITY 5540
INFO RUEHXC/ALL US CONSULATES IN MEXICO COLLECTIVE PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUEATRS/DEPT OF TREASURY WASHDC PRIORITY
RHMFIUU/CDR USSOUTHCOM MIAMI FL PRIORITY
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RHEHNSC/NSC WASHDC PRIORITY

UNCLAS SECTION 01 OF 02 MEXICO 000963

SIPDIS

SENSITIVE
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STATE FOR A/S SHANNON
STATE FOR WHA/MEX, WHA/EPSC, EEB/IFD/OMA
STATE FOR EEB/ESC/TFS JEAN CLARK
TREASURY FOR IA (ALICE FAIBISHENKO)
DOJ/AFMLS FOR ROBERT STAPLETON
NSC FOR CYNTHIA PENDLETON

E.O. 12958: N/A
TAGS: [ECON](#) [ECPS](#) [EFIN](#) [ELAB](#) [ENRG](#) [MX](#) [PGOV](#) [PREL](#)
SUBJECT: MEXICO'S LOWER HOUSE APPROVES ANTI-TERROR BILL

Summary

¶1. (SBU) Mexico's lower house of Congress approved a bill on February 20, 2007 that provides up to 40 years imprisonment for people convicted of financing terrorist groups. The bill, approved 413-12 with six abstentions, establishes terrorism financing and international terrorism as serious criminal offenses, as called for in UN Resolution 1373. The measure incorporates several non-finance related provisions, including jail sentences for individuals who cover up the identities of terrorists and for those who recruit people to commit terrorist acts. While the bill would represent a significant achievement for Mexico in suppressing those who finance, plan, facilitate, or commit terrorist acts, it lacks several provisions that would have made it more effective. Of these omissions, the bill's failure to specifically address asset identification, seizure, forfeiture, or the freezing of assets is the most notable. The bill now passes to the Senate, which approved a similar proposal during last year's session. End Summary.

Chamber Approves Terrorism-related Reforms

¶2. (U) Mexico's Chamber of Deputies on February 20, 2007 approved amendments to several criminal and financial laws which specify that persons who use Mexican territory to plan or finance terrorist attacks undertaken outside Mexico would be subject to Mexican law, including a punishment of up to 40 years imprisonment and a fine of up to the equivalent of 1,200 days of the minimum wage. The bill authorizes prosecutors to track and obtain information from finance and tax authorities on suspicious transactions.

¶3. (U) The measure incorporates several non-finance related provisions which specify the crime of terrorism to include those that use toxic substances or chemical/biological agents, radioactive materials or instruments, explosives or firearms, or fires or floods to cause terror or alarm or to attack a population, whether foreign or domestic. It establishes a punishment of 1 to 9 years imprisonment for individuals who wittingly cover up the identities of

terrorists. Under the bill, threats to commit and the recruitment of people to commit terrorist acts are also punishable with jail sentences.

¶4. (U) The bill specifically criminalizes terrorism financing and international terrorism (i.e., terrorist acts undertaken outside Mexico). The advancement of this bill is important because Mexico currently does not have a specific law criminalizing the financing and support of terrorists and terrorist organizations -- as called for in UN Resolution ¶1373. Under current Mexican law, terrorist financing is only punishable as an ancillary offense. The bill now passes to the Senate, which approved a similar proposal last year.

Reaction to the Bill

¶5. (SBU) Some deputies voiced concerns that the measure would make Mexico more vulnerable to pressure from other countries to prosecute or extradite suspects captured on Mexican soil. But others said it would empower Mexican prosecutors by allowing them to try such cases at home. Some PRD and Labor Party (PT) deputies opposed defining "international terrorism" as a crime, alleging that prosecuting in Mexico terrorist acts undertaken in other countries would make Mexico a target for terrorist attacks, and only serve U.S. political and economic interests. PT deputy Jaime Cervantes said the reform could serve as a legal instrument to repress dissident voices. Despite these criticisms, the bill was approved by an overwhelming majority, 413-12 with six abstentions.

MEXICO 00000963 002 OF 002

Comment

¶6. (SBU) If passed, this bill would be a notable achievement for Mexico in suppressing those who finance, plan, facilitate, or commit terrorist acts. That said, the bill does not include several provisions, including stronger deterrent mechanisms, which would have made it more effective. Notably, the bill does not specifically address asset identification, seizure, forfeiture, or the freezing of bank accounts, real property, etc. The bill also does not expedite the process for legally obtaining bank account information and navigating through the banking commission, the Finance Secretariat, etc. Nor was document fraud mentioned in the bill. False identities, travel documents, immigration papers, etc. are realistic tools that can be used by terrorists or co-conspirators. End Comment.

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